

**WILLIAMSBURG PLANNING COMMISSION  
MINUTES  
Wednesday, August 20, 2003**

The regular monthly meeting of the Williamsburg Planning Commission was held on Wednesday, August 20, 2003, at 3:30 p.m. in the Council Chambers at the Stryker Building.

**CALL TO ORDER and ATTENDANCE**

Chairman Freiling called the meeting to order. Present in addition to Mr. Freiling were Commissioners Friend, McBeth, Hertzler, Pons. Commissioner Young arrived late. Commissioner Smith was absent. Also present were Planning Director Nester, City Attorney Phillips, Zoning Administrator Murphy, and Secretary Scott.

**MINUTES**

Mrs. McBeth moved that the minutes of the June 18 regular meeting be approved. Mr. Hertzler seconded the motion which carried by roll call vote of 4-0-1. Because Mr. Pons had not been at the meeting, he abstained from the vote.

Chairman Freiling announced that there is a problem with the sound system in the Council Chambers, and asked that the audience bear with us; the system is turned up as loud as it will go. Mr. Freiling asked that if anyone is here today regarding the public hearings scheduled for the September Planning Commission meeting, to please hold their comments until the end of the meeting; there will be a presentation.

[Mr. Young arrived.]

**CONSENT AGENDA**

Mr. Pons moved that the case on the consent agenda, **SPR #03-07: Williamsburg Chrysler-Jeep-Kia – construct 20,212 square foot building at 3012 Richmond Road, be approved with the following conditions:**

- 1. Receipt of approval letter from James City Service Authority for sanitary sewer to the project.**
- 2. Receipt of approval letter from Dominion Power, Newport News Water Works, and Virginia Natural Gas for work on their easements.**
- 3. Purchase of Chesapeake Bay credits by the applicant in the amount of \$24,900 prior to the issuance of any land disturbing or building permits for the project.**
- 4. Issuance of a VPDES permit from DEQ prior to the issuance of any building or land disturbing permits for the project.**
- 5. Recordation of a plat extinguishing the interior lot lines prior to the issuance of any building permits for the project.**
- 6. Resolution of minor engineering details.**

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Young, Hertzler, Pons, McBeth, Freiling, Friend
No:	None
Abstain:	None
Absent:	Smith

## **PUBLIC HEARINGS**

**PCR #03-10: Request of the Colonial Williamsburg Foundation to rezone approximately 42.5 acres of land located west of Pocahontas Trail (Route 60 East) at 7239 Pocahontas Trail from RS-1 Single Family Dwelling District to MS Museum Support District. A portion of the rezoned area is proposed to be used to construct a vehicle maintenance facility. The Commission recommended approval of the rezoning request by a vote of 5-0-1.**

Mr. Nester prefaced his comments by saying that he will combine his presentations on cases **PCR #03-10, 03-11, and 03-12**, but voting will be conducted separately.

Mr. Nester said Colonial Williamsburg is proposing the rezoning to take advantage of the site's proximity to the Historic District and the Foundation's existing warehouse distribution facility. He noted the rezoning of this area to MS is consistent with the recommendations of the 1998 Comprehensive Plan.

**PCR #03-11: Request of the Colonial Williamsburg Foundation to amend the Zoning Ordinance, Sec. 21-434, Uses Permitted with a Special Use Permit in the MS Museum Support District. It is proposed to add the following as a special use permit use: "Vehicle maintenance facilities which may include tour bus parking, fueling facilities, bus driver lounges, truck and trailer rental with storage of vehicles on premises, and related facilities." The Commission recommended approval of the amendment by a vote of 5-0-1.**

Mr. Nester said that the Colonial Williamsburg Foundation and Penske Truck Leasing propose to build an automotive maintenance facility located off Highway 60 east, and that the main purpose of the facility will be to maintain the CWF fleet and to have a dedicated location which tour buses can be directed to park. He noted that the present "Vehicle maintenance facilities" language in the MS District does not address several of the specific uses proposed for this facility. For that reason, CWF has proposed this change. Mr. Nester noted the amended use is a special use and as such would require specific approval from Planning Commission and City Council.

**PCR #03-12: Request of the Colonial Williamsburg Foundation for a special use permit for a vehicle maintenance facility located at 7239 Pocahontas Trail. The proposal includes a building with offices and vehicle service bays, a canopy covering a two lane fuel island and bus cleaning lane, a bus driver's lounge, CNG fueling stations, and parking areas for rental trucks and tour buses. The Commission recommended approval of the special use permit by a vote of 5-0-1.**

Mr. Nester noted that if the City Council approves the rezoning and text amendment, City Council will then be able to consider the Special Use Permit. He pointed out that the main purpose of the facility is to maintain the Colonial Williamsburg fleet and to service tour buses. Mr. Nester noted comments regarding the Special Use Permit request from James City County and York County, as detailed in his August 15, 2003 memorandum to the Commission.

Commission comments:

- Distinguish between “bus space” and “bus tractor/trailer” space by depth of space; the tractor/trailer being deeper.
- Prevent facility from being used as a “truck stop” by approval being limited to uses stated in the application.
- Primary purpose of the facility is to serve CWF, and the private business component will be a secondary purpose.
- When asked if he sees any negative to approval of this facility, Mr. Nester responded that as long as the private business is only a minor component, he sees no negative aspects.

Chairman Freiling opened the public hearing for comments on all three cases.

**Mark Duncan**, representing Colonial Williamsburg, stated that he and his colleagues have been working with the City of Williamsburg on this project to replace the outdated CWF maintenance facility. He thanked Mr. Nester and his staff for their assistance.

**Scott Spence**, also with Colonial Williamsburg, said it is very clear that the primary purpose of the facility is to provide maintenance to the Foundation's fleet of over 200 vehicles. The bus parking aspect of the proposal will benefit both the City and the Foundation, by getting buses off the streets. Mr. Spence reiterated that the leasing of Penske trucks is going to be a secondary function at the facility.

Mr. Hertzler asked about the remote possibility of Colonial Williamsburg's business decreasing over the next 20 years, but Penske's success continues, and what would happen to the priority. Mr. Spence responded that Penske leases the property from CWF and the lease is clear on CWF's needs being the primary use.

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Dennis Cotner, 127 Wilson Circle, stated that he was an employee of the Foundation and felt compelled to speak out against this proposal. He asked if the fact that these are Civil War grounds is to be forgotten? The further erosion of such a very historic area should not be permitted. Bloody Lane saw heavy fighting and the Battle of Williamsburg grounds would be encroached upon. He concluded by saying that the Foundation should put building on hold due to the economic situation, the link to the past will be lost if they move forward, and the Foundation owns other land that can be used.

There being no additional comment the public hearing was closed.

**PCR #03-10:** Mr. Pons moved that Planning Commission recommend to City Council that approximately 42.5 acres of land located west of Pocahontas Trail (Route 60 East) at 7239 Pocahontas Trail be rezoned from RS-1 Single Family Dwelling district to MS Museum Support District. The reason for the recommendation is that the rezoning of this area to MS Museum Support District is consistent with the recommendations of the 1998 Comprehensive Plan.

Mrs. McBeth seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Young, Hertzler, McBeth, Pons, Friend
No:	None
Abstain:	Freiling
Absent:	Smith

**PCR #03-11:** Mr. Young stated that he would prefer to have more information regarding “what would happen if...”, and Mr. Nester responded that this could be covered as part of the conditions under the special use permit. If it appeared that the conditions of the special use permit were not being met, it would be considered a violation and the City would take appropriate action. Mr. Young then moved that Planning Commission recommend to City Council that the Museum Support District MS be amended to add “Vehicle maintenance facilities which may include tour bus parking, fueling facilities, bus driver lounges, truck and trailer rental with storage of vehicles on premises, and related facilities” as a special use permit use.

Mr. Hertzler seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Young, Hertzler, McBeth, Pons, Friend
No:	None
Abstain:	Freiling
Absent:	Smith

**PCR #03-12:** Mr. Hertzler asked if representatives from Colonial Williamsburg would like to respond to Mr. Cotner’s comments. Mr. Spence responded that other locations

have been considered and discarded as inappropriate for their needs. Archaeological Study, Phase 1 and 2 have been completed and Phase 3 is being written. Sections are being set aside where 17<sup>th</sup> and 18<sup>th</sup> century remains have been found.

Marley Brown, Director of Archaeological Research at CWF, said a thorough evaluation of the site has been done and nothing has been found to document the battle, although evidence has been found to document a late 17<sup>th</sup> century plantation system. He said that, regrettably, battlefield remains are easily disturbed by artifact hunters as well as Mother Nature, but in his excavation work, no Civil War munitions were found; not one cartridge or minie ball.

Mr. Hertzler moved that, contingent upon City Council approving the rezoning of this property to MS Museum Support District (PCR #03-10) and upon City Council approving the amendment of the text of the MS District to expand the description of a vehicle maintenance facility (PCR #03-11), Planning Commission recommend to City Council that the special use permit for the Penske Vehicle Maintenance Facility be approved subject to the following:

1. The special use permit approves the conceptual site plan "Penske Maintenance Facility and Service Center," sheets TS1 (Title Sheet), C1 (Site Layout), GS1 (General Site Plan and Profile) and L1 (Site Landscaping Plan), prepared by DJG, Inc., dated 8/04/03.
2. The special use permit approves the operation of this facility by Penske Truck Leasing, and for the purposes stated in the application: "The main purpose of this facility will be to maintain the CWF fleet and to have a dedicated location which tour buses can be directed to park. A secondary and minor use of the facility will be the operation of Penske Truck Leasing's normal business operations (i.e. truck rental, leasing and maintenance of private fleets.)"
3. The final site plan is to be approved by Planning Commission, including the final lighting plan (the Commission is authorized to specify the design and wattage of the lighting and the height of the light poles). Utilities approvals by the James City Service Authority and Newport News Waterworks will be required as a part of the final site plan approval.
4. The final site plan for the entrance driveway located in James City County is to be approved by James City County and VDOT prior to approval of the final site plan by Planning Commission.
5. The detailed landscape and buffering plans shall be approved by Planning Commission at the final site plan stage, and the Commission may require landscaping exceeding the minimum requirements in the Zoning Ordinance. Landscape/buffer areas of 50 and 62 feet shall be provided along the City/County line, as shown on the conceptual site plan, and the site plan shall be designed to ensure that vehicles do not overhang the landscape/buffer areas. A 30 foot wooded buffer shall be provided along the north and south project boundary to a depth of 300 feet from the City/County boundary line, but this buffer may be modified in the future if

- the modification is approved by the Planning Commission in conjunction with a site plan for an adjacent use.
6. The stormwater management plan submitted with the final site plan shall design the BMP as a wet pond and address how spills from this site will be prevented from flowing downstream.
  7. A subdivision plat shall be approved by the City and James City County consolidating the 50 foot vacated right-of-way in James City County with the approximately 42.5 acre parcel in the City, in order to provide a parcel for development with at least 25 feet of frontage on a public street as required by the Williamsburg Zoning Ordinance. The subdivision plat shall include a landscape easement in James City County adjacent to the City/County line that, in combination with the City landscape/buffer area totals 100 feet in depth (38 feet and 50 feet in James City County). The subdivision plat, and the associated landscape easement, shall be approved by James City County prior to approval of the final site plan by Planning Commission.
  8. The buildings on the site shall use earth tone colors for all exterior materials.

Mr. Pons seconded the motion which carried by roll call vote of 5-0-1.

Recorded vote on the motion:

Aye:	Young, Hertzler, McBeth, Pons, Friend
No:	None
Abstain:	Freiling
Absent:	Smith

**PCR #03-16: Request of University Suites LLC to amend the Preliminary Plat for Holly Hills Carriage Homes subdivision by reducing the street side yard for 100 Brockton Court (lot 38) and 244 Brookwood Drive (lot 39) from 25 feet to 22 feet. This property is zoned RM-1 Multifamily Dwelling District. The Commission recommended that the Plat be amended.**

Mr. Nester reviewed the memorandum dated August 14, 2003 and noted that visibility issues would have a minor impact on the revision, and that two models could fit on these lots if the setbacks were changed. He added that these are the only lots in the subdivision that cannot handle larger models, and that the impact on the subdivision's character would be minor. In response to Mr. Freiling's question, Mr. Nester said that If the original plat had been submitted with the 23 foot setback it would have been approved.

Chairman Freiling opened the public hearing.

**Vernon Geddy**, representing University Suites, LLC., noted that RML was the original developer of this site. University Suites purchased the site when it appeared to be

stagnating. At that time there were seven prototypes, and if one is standing at the street now, a difference could not be detected.

**Gail Dubrow**, 112 Brockton Court, stated that she is one of the original purchasers at Holly Hills Carriage Homes and it was **not** stagnating. She said this is the third meeting she's attended regarding University Suites' proposal and she feels property values have fallen and greenspace has been lost since they've taken over. She noted that the Board of Zoning Appeals rejected the proposal. Ms. Dubrow said that Rt. 199 is to become a four-lane highway and people will be "zipping off" the highway onto Brookwood Drive which is a curved, uphill slope with poor visibility at two three-way intersections within the subdivision. Also, there is a dangerous situation when backing out of front-loading garages, the safety hazard from elderly on streets because there is no recreation area, and she feels there was a **reason** for the 25 foot setback when originally proposed.

In response to Mr. Freiling's question, "Where are the people going who 'zip off' Rt. 199 onto Brookwood?," Ms. Dubrow answered that they only go in and out of the subdivision. In response to Mr. Pons' query about the lost greenspace, Ms. Dubrow said the loss is due to the larger units.

**Eleanor Cannon**, 101 Exmoor Court, stated that University Suites is only "repackaging their request." The greenspace needs to be protected as well as the visibility conformity(sic) of the neighborhood. They need to play by the original rules.

**David Olsen**, 104 Exmoor Court, said he's been there since the first and has been involved since the development's inception. He said he's very impressed with the new drawings. He also attended the other meetings, and although visibility did come up, he did some measurements and the situation will be improved once the shrubbery and trees are removed. Mr. Olsen said he sees **no** problems with traffic coming off Rt. 199 and supports the reduced sideyard. His only request is that the heating equipment be screened and elevation be kept low in the front; that the porch not be elevated. He added that he strongly supports the Plat amendment.

**Howard Glenn**, 120 Exmoor Court, said one of the lots in question is across the street from him and won't cause any visibility problems. He added that he is disappointed that Ms. Dubrow is present today since she doesn't even live in her home in the subdivision. He noted that she bought her unit for \$228,000 and has sold it for \$275,000, so he doesn't see how property values have fallen.

**Ms. Dubrow** clarified that she has not sold her unit. She is renting it now and suffering a loss. When questioned, City Attorney Joe Phillips stated that the above-noted prices quoted by Mr. Glenn are facts open to the public, so Ms. Dubrow's privacy has not been invaded.

Mr. Freiling asked Zoning Administrator Murphy if the request to the Board of Zoning Appeals was denied solely because it was deemed not to be a hardship case, and that

the denial had nothing to do with the issue of a visibility hazard. Mrs. Murphy responded affirmatively. Mr. Nester confirmed that a vehicle on the street cannot even see the bay window and it does not cause any obstruction.

Mr. Young moved that Planning Commission recommend to City Council that the Preliminary Plat for Holly Hills Carriage Homes (PCR #04-97) be amended to designate the street side yard for lots 38 and 39 as 23 feet.

Mr. Freiling noted that he will vote to recommend the amendment because there is a sense that the community supports it and he believes that the current developer should not be held hostage to the previous developer's plan.

Mr. Hertzler seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Young, Hertzler, Friend, Freiling, McBeth, Pons
No:	None
Abstain:	None
Absent:	Smith

## **OPEN FORUM**

Mr. Nester announced that there will be a presentation at the end the meeting regarding the public hearings scheduled for the September 17 Planning Commission meeting regarding the student-oriented housing. He asked that if anyone is here today to speak on the upcoming proposal, to please hold their comments until the presentation.

Chairman Freiling opened the Open Forum portion of the meeting encouraging comments from the audience on any topic.

There being no comment the Open Forum portion of the meeting was closed.

## **SITE PLANS AND SUBDIVISIONS**

**SPR #03-07: Williamsburg Chrysler-Jeep-Kia – construct 20,212 square foot building at 3012 Richmond Road. The property is zoned Tourist Business District B-2. Approved with conditions under the consent agenda.**

**SPR #03-08: Suter's Handcrafted Furniture – renovate existing building and parking lot at 800 Richmond Road (old SuperService). A second floor will be added, bringing the total floor area to 5,560 square feet, and the parking lot will be reconfigured and landscaped. The property is zoned General Business District B-3. Commission approved the site plan and transitional open space modification.**



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Mrs. Murphy introduced the proposal and stated that Carol Suter Michael and Mr. Michael are here today along with Chris Basic from AES Consulting Engineers and Bobby Hornsby, Hornsby Real Estate, who is representing the Hornsby family.

Commission noted the improvement the proposed building will bring to the Richmond Road Corridor. Mr. Young moved that Planning Commission approve the site plan and transitional open space modification as shown on the submitted site plan.

Mrs. McBeth seconded the motion which carried by roll call vote of 6-0.

Recorded vote on the motion:

Aye:	Young, Hertzler, Friend, Freiling, McBeth, Pons
No:	None
Abstain:	None
Absent:	Smith

**OLD BUSINESS** – None

**NEW BUSINESS** – None

**OTHER** - None

**INFORMATION ITEMS**

Report from City Council  
Planning Department Monthly Report  
Monthly Financial Statement

**PUBLIC HEARINGS SCHEDULED FOR SEPTEMBER 17, 2003**

PCR #03-18: Amendment of the Zoning Ordinance to create the LB-2 Limited Business College District; to reduce the size of parking spaces and drive aisles for residential parking; and to establish a parking requirement for student-oriented multifamily dwellings. These changes will create a new zoning district, and associated regulations, that will allow the construction of student-oriented multifamily dwellings at a density of 88 bedrooms per net developable acre as a special use permit use; allow other uses such as single-family detached dwellings, convenience stores without gasoline sales, hotels/motels and timeshare units, offices, restaurants without drive-thru windows, and retail sales establishments; and allow offices and retail sales establishments in buildings larger than 50,000 square feet, and parking garages, with a special use permit.

PCR #03-19: Rezoning of approximately 6.1 acres on the south side of Richmond Road from Brooks Street to the Southern Inn from General Business District B-3 to Limited Business College District LB-2 [800, 902, 906, 1006, 1012, 1021, 1214, 1220 Richmond Road].

Mr. Nester stated that due to the scope of PCR #18-03 and 19-03, a presentation will be given today prior to the public hearing on September 17. He noted that maintaining the quality of housing and neighborhoods is a prime concern of City Council, and that the need for housing for college students at William & Mary is a critical issue affecting the quality and character of downtown neighborhoods. While the 1998 Comprehensive Plan recommends that no new high-density multifamily housing be constructed, it does not specifically address the need for close-in off-campus student housing.

Mr. Nester said that a new zoning district is proposed on Richmond Road, which will replace the B-3 District from the Southern Inn to Brooks Street, and which will allow the construction of student-oriented multifamily dwellings as a special use permit use, as well as other commercial uses that are more limited than those allowed in the present B-3 District. Related changes to parking regulations for student-oriented housing are also proposed.

Along with the development of the proposed LB-2 District, City staff has been meeting with Lakis and Demetrious Florakis, owners (Prometheus Investments, Inc.) of the Southern Inn property at 1214 and 1220 Richmond Road. They are proposing to construct a three story student-oriented housing complex, consisting of 165 bedrooms in 42 dwelling units, with 124 parking spaces.

Mr. Freiling asked about the timing of the proposal since the Commission is about to embark on the Comprehensive Plan update. Mr. Nester responded that there is interest now in redevelopment of this property and a chance to seize the opportunity.

Mr. Nester introduced Bob Magoon, Magoon & Associates, architect for the Florakis project, who said this is a unique opportunity. He noted that he had done similar projects at Radford, Harrisonburg and Blacksburg, and this location is the best suited over any he's worked on. Its proximity to businesses and the school is unique. The developer, Prometheus Investments, Inc. purchased the Southern Inn property about three years ago and feels this is a better use for the property. He noted the single occupancy project would be a real plus for students, many of whom come from a home with a bedroom of their own. There would be almost three parking spaces per unit, no balconies and two courtyards. There would be a full-time manager on site. Mr. Magoon clarified that his client's intent is that the project be for students, not just "student-oriented."

Mr. Magoon introduced Joe Kearney, Director of Property Management with William E. Wood Agency based in Virginia Beach. Mr. Kearney said they will probably be opening a property management office in Williamsburg. His agency will be handling rentals in the proposed project. Mr. Kearney stated that the client's intent is to appeal to the older student with the financial means to seek a residential environment with single occupancy.

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Mr. Hertzler applauded the client's intent that it will be a "student" complex, but is concerned about it becoming a slum in the future. How would the owners ensure that residents are students now and in future?

Mr. Magoon said a lot of assurance can be taken from the expensive, weather-durable materials to be used. Mr. Kearney stated that the mechanics of "students only" has yet to be worked out, but management will come up with a way to ensure that a student is enrolled.

Mr. Kearney introduced Marilyn Armstrong, with William E. Wood Property Management, who will be overseeing the day to day management. She assured the Commission that William E. Wood does not associate with slums, and that the screening process is very important. Parents will be involved, previous housing history of the applicant will be required, a Resident Handbook will be prepared which will be very specific, and any infraction will result in termination of the lease.

Mr. Freiling asked City Attorney Phillips about the issue of restricting applicants to students, and Mr. Phillips replied that he is currently reviewing the matter.

Mrs. McBeth asked Marilyn Armstrong if she manages any other student housing complexes and she responded that she does not, although she has been in the real estate business for thirty years.

Chairman Freiling opened the floor for comments, although there will be no vote today.

**David Kranbuehl**, 201 Harrison Avenue, said he has lived in the area and taught at the College of William and Mary for thirty years, twenty of those years in the City of Williamsburg. He noted that he opposes the proposal, saying the City doesn't need this option; the College already has plans for a new dorm. He continued by saying that the City needs to address low-income families, the disabled and homeless. This proposal would provide no tax base; we need a restaurant or hotel/motel, not students who would provide none. We need tourists as well as permanent private homes, not something that will depreciate in the future and the College will purchase. Higher density housing is not needed in the commercial district. We also should not violate our Comprehensive Plan. This is not a good investment for the City and it will **not** reduce the desire to live off campus. Mr. Kranbuehl said approval of this project would result in a flood of drinking students into neighborhoods and this is the worst proposal he's seen in thirty years.

**Phil Victor**, 723 Scotland Street, owner of King and Queen Motel, said his property is next to the dellys and housing is needed; students don't want to live in dorms.

Mrs. McBeth asked that a couple of issues be explored prior to the public hearing next month: (1) How would the definition of family ("...three unrelated persons...") affect this proposal; and (2) Is there evidence of where the students are coming from?

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Mr. Freiling asked if the two proposals must come before the Commission at next month's meeting, and Mr. Nester responded that Commission can change the date if they'd like. Mr. Freiling noted that he will not be able to attend the September meeting.

The Commission made no change to the meeting date for the public hearing on these two cases, which is scheduled for the September 17 regular meeting.

The meeting adjourned at 6:45.

Paul Freiling, Chairman  
Williamsburg Planning Commission